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EXAMINER

HICKS, MICHAEL J

ART UNIT	PAPER NUMBER
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2165

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/814,052</p>	<p>Applicant(s)</p> <p align="center">AUERBACH ET AL.</p>	
	<p>Examiner</p> <p align="center">Michael J. Hicks</p>	<p>Art Unit</p> <p align="center">2165</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/7/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-47,49-51 and 54-72 is/are pending in the application.
- 4a) Of the above claim(s) 26-46 and 62-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-25,47,49-51 and 54-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

1. Claims 1, 3-5, 8-47, 49-51, and 54-72 Pending.

Claims 26-46 and 62-72 Withdrawn.

Claims 2, 6-7, 48, and 52-53 Canceled.

Response to Arguments

2. Applicant's arguments filed 3/7/2007 have been fully considered but they are not persuasive.

As per Applicants arguments that the subject matter disclosing the limitations of "identifying an aspect associated with an article", "automatically searching a local article index with a user context dependant search query", and "automatically generating an insert comprising the search result" are not disclosed within the provisional application 60/492,327 from which the Pre Grant Publication reference 2005/0065909 claims priority, Examiner respectfully disagrees.

The limitation of "identifying an aspect associated with an article" is disclosed in the Pages 1-2 of the provisional application in the section entitled "Parse page". Note that while the calculation of word frequency is not disclosed, it is not the calculation of word frequency which examiner relies upon to disclose the limitation, but merely the existence of the parsing phase, in which parts of the document (e.g. headers, titles, etc.) are identified and the document is broken down into phrases and keywords (e.g.

Art Unit: 2165

articles). Evidence of this lies in examiners explanation of the quoted section of Paragraph 16 of the Musgrove reference in which examiner states that the limitation is disclosed because "an aspect associated with an article (e.g. keywords in a web page) are identified", which does not rely on the calculation of a word frequency score.

As per Applicants arguments that the aspect, contained in the cited section of Paragraph 26 of Musgrove, of "assigning a score to identified products prior to post processing and updating the score based on an adjusted word score" does not appear in the provisional application, Examiner respectfully disagrees. Firstly, the cited section of paragraph 26 does not indicate that scores must be assigned prior to post processing, but rather that scores are assigned based on matches to the keyword search string. As such, the scores are not assigned until after the search has occurred, e.g. during post-processing. This is disclosed on page 3 of the provisional application, in the section titled "Post-process results".

As per applicants arguments that the element of "parsing as a post-processing step of parsing in specific reference to the product records", which is recited in the cited section of Paragraph 26 of the Musgrove reference, does not appear in the provisional application, Examiner agrees, however this element of the disclose is not relied upon to illustrate either of the limitations associated with Paragraph 26 of Musgrove. Pages 2-3 of the provisional application, specifically sections titled "Construct KW search string", "Post-process results", and "Display of results" disclose the relied upon information found

Art Unit: 2165

in Paragraph 26, specifically "...searching the product records of the products database to identify products satisfying the keyword query search string, assigning product scores to the identified products based on matches to the keyword query search string..." which indicates that the query is generated and executed against the local index, and "...selecting products from the identified products that have the highest updated product scores..." which indicated that an insert comprising the search result is generated.

As per Applicants arguments that Phelps does not disclose the limitation of "generating a user-context-dependent search query based, at least in part, on a user action history comprising a plurality of user actions associated with a plurality of articles" based on the reasoning that the selection of options does not reflect actions on a plurality of articles, wherein articles include a number of document types, Examiner respectfully disagrees. Extending the same assertions as outlined in the previous office action, the search options affect the search which, in turn, affects the articles that are identified by the search, thus associating the user actions with a plurality of articles (e.g. those found by the search). Note that the term association is a very broad term and does not specify how the plurality of the user actions and the plurality of articles must be connected or related.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 25 rejected under 35 U.S.C. 102(e) as being anticipated by Musgrove et al. (U.S. Pre-Grant Publication Number 2005/0065909 and referred to hereinafter as Musgrove).

As per Claim 25, Musgrove discloses a method comprising: identifying an aspect associated with an article (i.e. *"...determining word scores of the words in the document based on the frequency of the words in the document, adjusting the word scores of the words by predetermined weightings corresponding to the use of each word in the document, constructing a keyword query search string using words having the highest word scores..."*) The preceding text excerpt clearly indicates that an aspect associated with an article (e.g. keywords in a web page) are identified.) (Page 2, Paragraph 16); automatically searching a local article index with a user context-dependent search query for a search result associated with the aspect (i.e. *"...searching the product records of the products database to identify products satisfying the keyword query search string, assigning product scores to the identified products based on matches to the keyword query search string, parsing the product records to identify word matches in each of the product records and the document, updating the product score by processing the adjusted word scores corresponding to the matched word with the product score of the product for which word matched, and selecting products from the identified products that have the highest updated product scores..."*) The preceding text excerpt clearly indicates that a local article index (e.g. product database) is automatically searched with the a query associated with the aspect. Note that as the user requested the search be done (paragraph 26), the query is user context-dependant.) (Page 2, Paragraph 16); automatically generating an insert comprising the search result (i.e. *"...searching the product records of the products database to identify products satisfying the*

keyword query search string, assigning product scores to the identified products based on matches to the keyword query search string, parsing the product records to identify word matches in each of the product records and the document, updating the product score by processing the adjusted word scores corresponding to the matched word with the product score of the product for which word matched, and selecting products from the identified products that have the highest updated product scores..." The

preceding text excerpt clearly indicates that a search result (e.g. insert) is automatically generated.)

(Page 2, Paragraph 16); placing the insert into the article such that the insert will be

displayed near the aspect when the article is displayed (i.e. *"The re-sorted list of products is provided to the display module 28 that sends the results to the client 40 for display as advertisements or links, or in other format as being products that the user may want to consider."* The preceding text

excerpt clearly indicates that the insert (e.g. query result) may be inserted into the article as a link or

advertisement.) (Page 9, Paragraph 62); and causing the article to be displayed (i.e. *"The re-*

sorted list of products is provided to the display module 28 that sends the results to the client 40 for display as advertisements or links, or in other format as being products that the user may want to

consider." The preceding text excerpt clearly indicates that the article (e.g. web page) may be displayed.)

(Page 9, Paragraph 62).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 8, 11-24, 47, 49-51, 54, and 57-61 rejected under 35 U.S.C.

103(a) as being unpatentable over Tripp et al. (U.S. Patent Number 6,976,053 and referred to

Art Unit: 2165

hereinafter as Tripp) in view of Phelps ("All you can seek", Special Services, July 1999, Vol.7, Iss. 7, accessed on the web on 10/16/2006 at

<http://www.smartcomputing.com/editorial/article.asp?article=articles/archive/g0707/26g07/26g07.asp>).

As per Claims 1 and 47, Tripp discloses a method comprising: generating a user context-dependent search query (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that because the user input the query, the query is user context-dependant.) (Column 3, Lines 21-38); **identifying an aspect associated with an article** (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that before the search is performed, an aspect associated with an article (e.g. file) must be indicated. Note that an aspect may be any information associate with the file, and that the invention, as claimed, does not indicate any automation or computer involvement in identifying the aspect, thus a user searching for known files on the users computer meets the limitation.)

Art Unit: 2165

(Column 3, Lines 21-38); generating an insert based, at least in part, on the aspect, wherein the insert comprises a search result (i.e. *"Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that searching is provided, e.g. an insert in the form of a search result is created.) (Column 3, Lines 32-38) associated with the aspect and generated responsive, at least in part, to searching an article index using the user-context dependant search query (i.e. *"Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt along with the above disclosure clearly indicates that generating the insert (e.g. search result) associated with the aspect comprises searching an article/file index using the previously generated user-context dependant search query.) (Column 3, Lines 32-38)..

Tripp fails to disclose causing the insert to be output in association with the aspect and the user context-dependent search query is based, at least in part, on a user action history comprising a plurality of user actions.

Phelps discloses causing the insert to be output in association with the aspect (i.e. *"A free product from AltaVista, the same site that helps many searchers make sense of the World Wide Web, can help you figure out your local web, as well. AltaVista Discovery brings the power of Internet search engines and descriptive search results to your desktop. Using AltaVista Discovery, you can search through local or networked hard drives just as you would the Internet. Results appear as they do on most search engine pages, with the first few lines of text displayed along with the file information. Clicking a link in the list opens that file."* The preceding text excerpt clearly indicates that the insert (e.g. search result) is displayed in relation to the aspect of the article which it pertains to (e.g. the lines of text

Art Unit: 2165

and file information).) (Page 5, Paragraph5) and the user context-dependent search query is based, at least in part, on a user action history comprising a plurality of user actions associated with a plurality of articles (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that the user context-dependant search query will be based on the search options the user has previously selected (e.g. a user action history comprising a plurality of user actions. Note that the search options affect the articles which are found by the search, and as such the user actions are associated with a plurality of articles.) (Page 5, Paragraph 8, Page 6, Paragraph 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Phelps to include causing the insert to be output in association with the aspect and causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate from the article with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 3 and 49, Tripp discloses the article index comprises an index of articles available on the World Wide Web (i.e. *"Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that file index may include files/article available on the world wide web.) (Column 3, Lines 32-38).

As per Claims 4 and 50, Tripp discloses the article index comprises a local article index (i.e. *"Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that the article/file index may be an index of local articles/files.) (Column 3, Lines 32-38).

As per Claims 5 and 51, Tripp discloses the local article index comprises a messaging index (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article index may include email messages (e.g. a messaging index.) (Column 3, Lines 49-53).

As per Claims 8 and 54, Tripp fails to disclose the search result comprises at least one of an article identifier, a thumbnail, a text snippet, a Uniform Resource Locator, and a path

Phelps discloses the search result comprises at least one of an article identifier, a thumbnail, a text snippet, a Uniform Resource Locator, and a path (i.e. *"A free product from AltaVista, the same site that helps many searchers make sense of the World Wide Web, can help you figure out your local web, as well. AltaVista Discovery brings the power of Internet search engines and descriptive search results to your desktop. Using AltaVista Discovery, you can search through local or networked hard drives just as you would the Internet. Results appear as they do on most search engine pages, with the first few lines of text displayed along with the file information. Clicking a link in the*

Art Unit: 2165

list opens that file." The preceding text excerpt clearly indicates that the search result comprises a text snippet.) (Page 5, Paragraph 5).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Phelps to include causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate from the article with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 11 and 57, Tripp Fails to disclose causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate from the article.

Phelps discloses causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate from the article (i.e. *"Once Discovery is up and running, it will make an index of all the documents and E-mail messages on your own hard drive. You can add or delete the locations to look for documents in Discovery's Options, which is accessible by right-clicking the Discovery System Tray icon. To use Discovery, go to the toolbar that appears and pick a Search Space. This space may be the Internet, your documents, your E-mail program, or a variety of other choices. Then, type in a search query just as you would on the Internet (it even allows Boolean terms). Click Search, and results appear on a Web page."*) The preceding text excerpt clearly indicates that the search result (e.g. text snippet) appears in a browser window separate from the toolbar and the article.) (Page 5, Paragraph 7).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Phelps to include causing the insert to be output in

Art Unit: 2165

association with the aspect comprises causing the display of at least part of the insert in a window separate from the article with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 12 and 58, Tripp Fails to disclose at least one of identifying the aspect, generating the insert, and causing the insert to be output in association with the aspect is based, at least in part, on a user preference (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that generating the insert (e.g. producing the search result) is based on user preferences in the form of search preferences.) (Page 5, Paragraph 8, Page 6, Paragraph 1).

Phelps discloses at least one of identifying the aspect, generating the insert, and causing the insert to be output in association with the aspect is based, at least in part, on a user preference.

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Phelps to include at least one of identifying the aspect, generating the insert, and causing the insert to be output in association with the aspect is based, at least in part, on a user preference with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 13 and 59, Tripp Fails to disclose receiving the user preference.

Phelps discloses receiving the user preference (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that the user may input the preferences (e.g. the preferences will be received).) (Page 5, Paragraph 8, Page 6, Paragraph 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Phelps to include receiving the user preference with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 14 and 60, Tripp Fails to disclose determining the user preference based, at least in part, on a user action history comprising a plurality of user actions.

Phelps discloses determining the user preference based, at least in part, on a user action history comprising a plurality of user actions (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that the user preferences are based on a user action history comprising a plurality of user actions (e.g. the user setting the preferences).) (Page 5, Paragraph 8, Page 6, Paragraph 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Phelps to include determining the user preference based, at least in part, on a user action history comprising a plurality of user actions with the

motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 15 and 61, Tripp Fails to disclose determining the user preference based, at least in part, on a system analysis.

Phelps discloses determining the user preference based, at least in part, on a system analysis (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that after the user preferences have been set, the preferences will be determined for searching purposes by scanning the system to identify which user preferences the user has selected.) (Page 5, Paragraph 8, Page 6, Paragraph 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Phelps to include determining the user preference based, at least in part, on a system analysis with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 16 and 37, Tripp discloses the aspect comprises a hyperlink (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet*

searches using the central index of the AltaVista.RTM. search engine." The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, a hyperlink in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 17 and 38, Tripp discloses the aspect comprises a title (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, a title off/in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 18 and 39, Tripp discloses the aspect comprises an image (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, an image in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 19 and 40, Tripp discloses the aspect comprises a menu item (i.e.

"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine." The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, a menu item in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 20 and 41, Tripp discloses the aspect comprises an input field (i.e.

"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine." The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, an input field in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 21 and 42, Tripp discloses the article comprises a web page (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article may comprise a HTML document/web page/Netscape file.) (Column 3, Lines 49-53).

As per Claims 22 and 43, Tripp discloses the article comprises a text document (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article may comprise a text/Office document.) (Column 3, Lines 49-53).

As per Claims 23 and 44, Tripp discloses the article comprises an email message (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article may comprise an email message/Eudora file.) (Column 3, Lines 49-53).

As per Claims 24 and 45, Tripp discloses the article comprises an instant messenger message (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article may comprise an instant messenger message (e.g. the instant messenger message could be in the form of a chat log (e.g. text document) or in the form of an email message.) (Column 3, Lines 49-53).

5. Claims 9-10 and 55-56 rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp in view Phelps and further in view of Musgrove.

As per Claims 9 and 55, the Tripp-Phelps invention as described above in relation to Claim 1 fails to disclose causing the insert to be output in association with the aspect comprises placing at least part of the insert into the article.

Musgrove discloses causing the insert to be output in association with the aspect comprises placing at least part of the insert into the article (i.e. *"The re-sorted list of products is provided to the display module 28 that sends the results to the client 40 for display as advertisements or links, or in other format as being products that the user may want to consider."* The preceding text excerpt clearly indicates that the insert (e.g. query result) may be inserted into the article as a link or advertisement.) (Page 9, Paragraph 62).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Musgrove to include causing the insert to be output in association with the aspect comprises placing at least part of the insert into the article with the motivation of associating inserts (e.g. search query results) with articles (e.g. documents) based on the context of the document (Musgrove, Abstract).

As per Claims 10 and 56, the Tripp-Phelps invention as described above in relation to Claim 1 fails to disclose causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a transient display proximate to the aspect.

Musgrove discloses causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a transient display proximate to the aspect (i.e. *"The re-sorted list of products is provided to the display module 28 that sends the results to the client 40 for display as advertisements or links, or in other format as being products that the user may want to consider."* The preceding text excerpt clearly indicates that the insert (e.g. query result) may be displayed in the article as an advertisement proximate to the aspect. Note that it is common for advertisements to be cycled/reloaded on web pages, qualifying an advertisement as transient.) (Page 9, Paragraph 62).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Musgrove to include causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a transient display proximate to the aspect with the motivation of associating inserts (e.g. search query results) with articles (e.g. documents) based on the context of the document (Musgrove, Abstract).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 8:30a - 5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

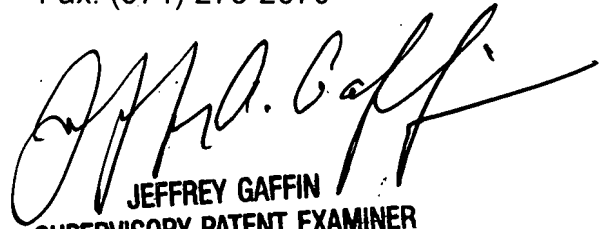
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Art Unit: 2165

Art Unit 2165

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A handwritten signature in black ink, appearing to read "Jeffrey Gaffin", written in a cursive style.

JEFFREY GAFFIN
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